

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT

SHELDON PETERS WOLFCHILD, et al.,

Plaintiffs/Cross-Appellants,

vs.

UNITED STATES,

Defendant/ Appellants.

RECEIVED

MAY 11 2012

United States Court of Appeals  
For The Federal Circuit

Appeal Nos. 2012-5035,  
2012-5036 and 2012-5043

Appeals From:  
COFC 01-568L, and  
COFC 03-2684L  
Hon. Charles F. Lettow

**PLAINTIFF AND PLAINTIFF-INTERVENOR-CROSS  
APPELLANTS' REPLY TO SHELDON PETERS WOLFCHILD, ET  
AL. PLAINTIFFS-CROSS APPELLANTS' OPPOSITION TO  
PLAINTIFF-INTERVENORS' JOINT MOTION TO CORRECT THE  
OFFICIAL CAPTION AND MEMORANDUM IN SUPPORT**

Comes Now, Cross-Appellants Plaintiff and Plaintiff – Intervenor groups Julia DuMarce, Harley Zephier, Sr., Victoria Robertson-Vadnais et al. (“Robertson-Vadnais Group”), Renaud John Does (aka Blair John Does or Does 1-433), Walker John Does 1-30, Enyard Group, Kitto Group, Abrahamson, Mozak, Felix, Coursolle, Prescott, Rocque and Taylor Groups, Stephens, Cermak, Henderson, Klingberg, Alkire, Arnold and Godoy Plaintiffs, Burley Plaintiffs, Cournoyer, Robinette, Kimbell, French and Wanna Plaintiffs (“Plaintiffs – Intervenor”), by and through their  
referenced counsels of record, and, pursuant to Federal Rules of Appellate

FILED  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

MAY 11 2012

JAN HORBALY  
CLERK

94

Procedure 26(c), and 27(a)(4) and Federal Circuit Rule 27(a) and (c), respectively, hereby collectively reply to the Wolfchild et al. Plaintiffs-Cross Appellants' May 1, 2012 (received by mail on May 4, 2012) Memorandum in Opposition to Plaintiff-Intervenor-Cross Appellants Motion to Correct the Caption as follows:

1. As a preliminary matter, the Plaintiff-Intervenor-Cross Appellants' use of the phrase "leadership activities" was correctly identified as being used to specifically refer to "the single act of filing cross-appeals on behalf of their clients." (Wolfchild Opposition Br. at 2).

The Motion was not intended nor otherwise attempted to cast aspersions on the very capable overall leadership by the Wolfchild Plaintiffs in the underlying case before the Court of Claims or in the Federal Circuit.

The specific intent of the Motion was to show that the official caption did not contain the names of several Plaintiff-Intervenors and their respective counsel, notwithstanding endorsement of the Plaintiffs' and counsels' names on the notice of appeal and payment of the filing fee by counsel not listed in the official caption.

2. The Plaintiff-Intervenor Cross Appellants submit that the Wolfchild Plaintiff-Cross Appellants are incorrect in their assertion that the official caption is in compliance with Federal Rule of Appellate Procedure 12(a).

(Wolfchild Opposition Br. at 2). Their later assertion that the “present official caption more than properly identifies for the court the *relevant* appellant and cross-parties” is likewise incorrect. (Emphasis added)

The official caption does not indentify *all* Cross Appellants or their counsel. The Court of Claims’ underlying judgment (Doc. # 1094, August 5, 2011, as corrected August 18, 2011, *reconsideration denied*), was granted “in the favor of the plaintiffs [Wolfchild Plaintiffs et al.] and plaintiff-intervenors on the use restriction claims.” The Court’s judgment, as corrected, was not solely granted to the Wolfchild Plaintiff-Cross Appellants. Consequently, it is imperative for according full justice that *all* Plaintiff-Intervenor-Cross Appellants and their respective counsel be included in the official caption.

The result of correcting the official caption would not result in “more confusion,” but meet the ends of doing justice.

3. The Wolfchild Plaintiffs technical objection regarding absence of a “verses” designation is misplaced. (Wolfchild Br. at 2). The Movants utilized the format of the “official caption” on the Court’s website in the suggested caption. However, if the Court or the Clerk wishes to include the designation in the official caption, Movants would ask that the designation be included by interlineation.

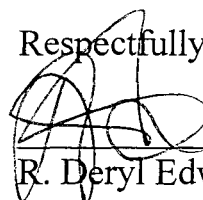
4. The undersigned has actual authority limited to this Reply to represent that all Plaintiff-Intervenor-Cross Appellants and their counsel join in this Reply and signs on their behalf. See Fed. Cir. Rule 47.3.(d).

WHEREFORE, the Plaintiff-Intervenor-Cross Appellants renew their Motion to Correct the Official Caption to specifically include all appealing Plaintiff-Intervenors-Cross Appellants and their respective counsel as set forth in their earlier Motion and its reply herein for these and for such other reasons as the Court and/or the Clerk deem just and proper.

Declaration

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that I possess the actual authority to sign this Reply for all Plaintiff-Intervenor-Cross Appellants counsels of record and such statement is true and correct.

Respectfully Submitted,



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PLAINTIFFS

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ATTORNEY FOR THE COURNOYER,  
ROBINETTE, KIMBELL AND WANNA  
ET AL. INTERVENOR PLAINTIFFS

Form 9

FORM 9. Certificate of Interest

**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Sheldon Peters Wolfchild, et al. v. United States

No. 2012-5036 et al.

**CERTIFICATE OF INTEREST**

Counsel for the (petitioner) (appellant) (respondent) (appellee) (amicus) (name of party)

Cross Appellant Robertson-Vadnais Group certifies the following (use "None" if applicable; use extra sheets if necessary):

1. The full name of every party or amicus represented by me is:

**See Attached List**

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

**See Attached List**

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

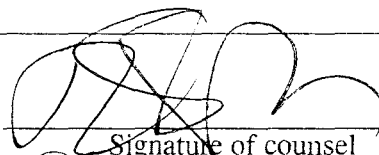
**None**

4. ☐ The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

**R. Deryl Edwards, Jr.**

5-10-12

Date



Signature of counsel

Royce D Edwards, Jr.

Printed name of counsel

Please Note: All questions must be answered

cc: \_\_\_\_\_



**CERTIFICATE OF INTEREST-QUESTIONS 2-3**

**NAMES OF ALL PARTIES IN INTEREST:  
ROBERTSON-VADNAIS GROUP OF PLAINTIFF-INTERVENOR-  
CROSS APPELLANTS**

1. Dakota (Seaboy) Azure
2. Danae Azure
3. Nevaeh Azure
4. Phalen Azure
5. Royal Azure
6. Tatiana Azure
7. Val Azure
8. Val Azure Jr.
9. Venique Azure
10. Vincent Azure
11. Alex Cloud
12. Blaze Cloud
13. Cistinah Cloud
14. David cloud Jr.
15. Denise Cloud
16. Hotanka Cloud
17. Muriel Cloud
18. Tate Cloud
19. Maraeh Good Buffalo
20. Nathaniel Good Buffalo
21. Reese Good Buffalo
22. Sage Keoke
23. Wade Keoke
24. Chad MacConnell
25. Charles MacConnell
26. Christian MacConnell
27. Clifford MacConnell
28. Crystal MacConnell
29. Edith MacConnell
30. George MacConnell
31. Shirley MacConnell
32. Tristan MacConnell
33. Wesley MacConnell
34. Kiara MacConnell

35. Morning Star Owen
36. Clifford Poor Thunder
37. Shane Poor Thunder
38. Karen Robertson
39. Jynavi Rodriguez
40. Billy Jo Seaboy  
Racine (Azure)
41. Aaron Azure
42. Olive Robertson
43. Danielle Corwin
44. Tara Corwin
45. Jason Gatrell
46. Jordan Gatrell
47. Logan Hesch
48. David Huberty
49. Madison Paffel
50. Kayla Pearson
51. Hayley Roberts
52. Eugene Robertson
53. Jane Robertson
54. Thomas Robertson
55. Victoria Robertson
56. William Robertson
57. Allesha Vadnais
58. Angelina Vadnais
59. Anna Vadnais
60. Ashley Vadnais
61. Daniel Vadnais
62. Daniel Vadnais
63. Emma Vadnais
64. Eugenia Vadnais
65. Hunter Vadnais
66. Joseph Vadnais
67. Lisa Vadnais
68. Olivia Vadnais
69. Sheri Vadnais
70. Terence Vadnais
71. Terri Vadnais
72. Theodore Vadnais

- 73. Theodore Vadnais
- 74. Vincent VanTassell

**IN THE UNITED STATES COURT OF APPEALS  
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COFC 03-2684L  
Hon. Charles F. Lettow

**PLAINTIFF-INTERVENOR/CROSS-APPELLANTS'**  
**CERTIFICATE OF SERVICE**

I hereby certify that on May 10, 2012, I directed that a true and correct copy of the Plaintiff-Intervenor-Cross Appellants Reply to the Plaintiff Wolfchild Cross Appellants Objection to Plaintiff-Intervenor-Cross Appellants' Motion to Correct the Caption be served on the following counsel and interested parties by email or by United States Mail, postage prepaid and depositing same at the postal facilities in Joplin, Missouri:

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Washington, D.C. 20044

A handwritten signature in black ink, appearing to read 'R. Edwards', written over a horizontal line.

R. Deryl Edwards, Jr.  
May 1, 2012

**R. DERYL EDWARDS, JR.**

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MISSOURI

KANSAS

May 10, 2012

Federal Circuit Clerk/Executive  
United States Court of Appeals  
For the Federal Circuit  
Howard T. Markey National Courts Building  
717 Madison Place, N.W.  
Washington, D.C. 20439

Re: *Wolfchild et al., v. United States*  
Circuit Case Nos.: 2012-5035,  
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Plaintiff-Intervenor-Cross Appellants'  
Reply to Plaintiff-Cross Appellants'  
Wolfchild Opposition

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United States Court of Appeals  
For The Federal Circuit

**BY OVERNIGHT  
FEDERAL EXPRESS**

Dear Clerk,

Please find enclosed herein the original and five copies of the Plaintiff-Intervenor-Cross-Appellant's Reply to the Wolfchild Plaintiff-Cross Appellants' Opposition to our Motion to Correct the Caption for parties Julia DuMarce, Harley Zephier, Sr., Robertson-Vadnais Group, Renaud John Does, anonymous Blair Plaintiffs, anonymous Walker Plaintiffs, Enyard Group et. al, Kitto Group et al., Burley, Abrahamson, Mozak, Cournoyer, Robinette, Kimbell, French and Wanna and others. Please immediately file this Reply and return a file-stamped copy of the Reply to the above counsel.

If you have any questions, please do not hesitate to contact me. Please also feel free to contact me on my cell phone – (417) 483-0538. Thank you in advance for your assistance.

Very Truly Yours,

R. Deryl Edwards, Jr.

Encl: Reply; Certificate of Interest; Certificate